

SB 577 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 04/04/19

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/12, 4/4

WHAT THE MEASURE DOES:

Renames the crime of intimidation to Bias Crime. Includes gender identity in category of perceived characteristics of person against whom intimidation can be committed. Defines "gender identity". Requires the Oregon District Attorneys Association and Department of State Police to develop and implement a standardized method to record data relating to investigations, arrests, prosecutions, and sentencing of crimes motivated in whole or in part by bias of the actor. Removes current data collection requirements relating to characteristics outside those listed under the crime of intimidation statute. Establishes a "hate crimes hotline" operated by the Department of Justice (DOJ) that is dedicated to assisting victims of bias crimes. Requires DOJ to forward data collected in relation to hotline responses to the Criminal Justice Commission (CJC) quarterly. Directs DOJ to identify and designate victim services in local jurisdictions appropriate for referral of victims contacted by law enforcement. Directs DOJ to create the position of Hate Crimes Coordinator to respond to hotline referrals. Requires responses be made in a culturally competent and trauma-informed manner. Requires Coordinator to train local non governmental organizations on response methods. Directs the CJC to collect, record, and study data provided by required entities relating to bias-motivated crimes. Requires the CJC to report its findings to the Oregon Legislative Assembly no later than July 1, 2021. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Need for data collection on incidents not resulting in prosecution
- Bias-related motivation of actors necessary for successful prosecution
- Difficulty in showing biased-related motivation
- Efforts of Attorney General interim work group and community town halls
- Current crime of intimidation focuses on organized hate crime, not individualized conduct
- Current statute does not cover acts of intimidation motivated by victim's sexual orientation

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

As currently written, the crime of Intimidation focuses on the number of bad actors and their motives. See ORS 166.155. This is a reflection of the heightened focus on white supremacist groups prevalent in the 1980s, when the law was originally enacted.

Senate Bill 577 A proposes to shift the focus towards the nature of the harm and use and threat of violence in addition to the motives behind the crime of violence. Additionally, several provisions in Senate Bill 577 A are designed to formalize definitions surrounding crimes of bias and intimidation to facilitate accurate data collection relating to them. The requirement that governmental and non governmental agencies collect and provide data about contacts involving incidents of bias is intended to allow for the Criminal Justice Commission to analyze and

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provide an understanding of the scope of Oregon's bias crime prevalence.